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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MIN FENG,

Plaintiff,

v.

MICHAEL CHERTOFF, Secretary of the
Department of Homeland Security;
EMILIO T. GONZALEZ, Director, U.S.
Citizenship and Immigration Services;
CONDOLIEZZA RICE, Secretary of State,
Department of State;
JOSEPH P. MARTIN, Officer in Charge,
USCIS Beijing Office,

Defendants.

No. C 06-4633 JW

**STIPULATION TO DISMISS; AND
[Proposed] ORDER**

Plaintiff, by and through his attorney of record, and Defendants, by and through their attorneys of record, hereby stipulate, subject to the approval of the Court, to dismiss the above-entitled action in light of the following:

1. The plaintiff filed a mandamus complaint on July 28, 2006, asking this Court to direct the defendants adjudicate an I-730 petition and issue travel documents to the plaintiff's child.
2. The defendants filed and served an answer to the complaint on September 28, 2006.
3. On January 18, 2007, this Court issued an order vacating the case management conference and setting a hearing on the parties' cross-motions for summary judgment for June 25, 2007, at

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1 9:00 a.m.

2 4. The plaintiff's child is scheduled for an interview at the United States Embassy in Beijing,
3 China on May 17, 2007.

4 5. In light of the fact that the defendants are expeditiously processing the I-730 petition that is
5 the subject of this case, and will continue to do so, the parties agree to dismiss this action without
6 prejudice.

7 6. Each of the parties shall bear their own costs and fees.

8
9 Date: May 10, 2007

Respectfully submitted,

10 SCOTT N. SCHOOLS
11 United States Attorney

12
13 /s/
14 EDWARD A. OLSEN
15 Assistant United States Attorney
16 Attorneys for Defendants

17 Date: May 10, 2007

18 /s/
19 JUSTIN X. WANG
20 Attorney for Plaintiff

21 **ORDER**

22 Pursuant to stipulation, IT IS SO ORDERED.

23 Date: May 14, 2007

24 
25 JAMES WARE
26 United States District Judge
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